Supreme Court, U.S.
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No. 90-1234

IN THE

Supreme Court of the United States

OCTOBER TERM, 1990

ANTHONY DIAZ,
Petitioner,

vs.

UNITED STATES OF AMERICA,
Respondent.

PETITIONER'S REPLY TO RESPONDENT'S BRIEF IN OPPOSITION

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Petitioner, Anthony Diaz, files this Reply to Respondent's Brief in Opposition.

I

ARGUMENT

Respondent misstates Petitioner's claim and addresses the wrong issue. Unlike Respondent's statement on page 3 of its Brief, Petitioner does not "claim that the penalty provision under which he was sentenced had not taken effect at the time he committed his offenses." Instead, Petitioner claims, *inter alia*, that the statute under which he was convicted was not in effect at the time he committed the acts for which he was convicted. Specifically, 21 U.S.C. 841(b)(A)(viii) was not effective at the time Petitioner committed the allegedly illegal acts. Thus, Petitioner's claim addresses the effective date of the offense for which he was convicted, not the penalty provision.

II

CONCLUSION

The Petition for a Writ of Certiorari should be granted.

Respectfully submitted,

BUTLER & BINION

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CERTIFICATE OF SERVICE

I certify that three (3) copies of this Reply to Respondent's Brief in Opposition have been sent by certified mail, return receipt requested, to each of the following:

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